

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11687 of 2005

Between:

1. Smt.Harijan Maremma W/o H.Hanumaiah

Occu: Petty Hawker R/o D.No.11/131-5,

Plot No.18 in Sy.No.274/1 (VS), S.S.No.285, Chaman Katta,

Adoni, Kurnool District, A.P.

2. Smt.Mehmooda Begum W/o. H.Abdul Saleem,

Occu: Housewife

R/o D.No.11/132/2,

Plot No.19 in Sy.No.274/1 (VS), S.S.No.285, Chaman Katta,

Adoni, Kurnool District, A.P.

3. Smt.Khader Bee, W/o K.Khader Basha,

Occu: Housewife,

R/o D.No.11-134/7,

Plot No.20 in Sy.No.274, Chaman Katta,

Adoni, Kurnool District, A.P.

..... PETITIONERS

AND

1. The Mandal Revenue Officer,

Adoni, Kurnool District.

2. The Commissioner,

Adoni Municipality, Kurnool District.

3. The District Collector,

Kurnool, Kurnool District

4. The R.D.O, Adoni, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the action of the respondents in canceling the pattas of the petitioners in respect of lands bearing Nos. Plot Nos.18, 19 and 20 in Sy.No.274/1 (VSP) in S.S.No.285, Chaman Katta, Adoni, Kurnool District without issuing any notice is illegal, unlawful, high handed and unconstitutional and set aside the order in Rc.B.430/2005 dated 5-5-2005 issued by the 1st respondent herein and consequently direct the respondents not to dispossess the petitioners from the above said lands.

Counsel for the Petitioner: MR.NAZIR AHMED KHAN

Counsel for the Respondent Nos.1, 3 and 4: G.P. for Revenue

Counsel for the respondent No.2 : Mr. Newton, Standing Counsel for Municipality

The Court made the following :

ORAL ORDER:

The petitioners question the order of the Mandal Revenue Officer dated 5-5-2005 cancelling the pattas and directing to vacate the land assigned to them for the purpose of constructing an over head tank.

Learned Government Pleader for Revenue submits that in the interest of public, the land assigned to the petitioners is proposed to be acquired and alternative land of equal area will be assigned to them. Learned counsel for the petitioners submits that the petitioners have constructed houses over the land assigned to them and therefore they are entitled not only for pattas of the alternative land, but also for value of the structures in the house sites.

Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioners, unless alternative pattas for house sites are granted to them and their claim for compensation for the structures on the land proposed to be acquired is considered.

The writ petition is accordingly disposed of at the stage of admission. No costs.

24-5-2005

asp

To

1. The Mandal Revenue Officer,
Adoni, Kurnool District.

2. The Commissioner,
Adoni Municipality, Kurnool District.

3. The District Collector,
Kurnool, Kurnool District

4. The R.D.O, Adoni, Kurnool District

5. Two C.Cs. to the G.P. for Revenue, High Court of A.P, High Court buildings,
Hyderabad (OUT)

6. Two C.D. copies.